

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1596 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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BHIKHA KALU

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 27/11/96

ORAL JUDGEMENT

Rule. Mr.Pujari, learned A.P.P., waives service of rule on behalf of the respondents. To be heard forthwith.

This petition for furlough is forwarded by the Jail Authorities addressed to the Registrar. The applicant is convicted under Section 302 and sentenced to life imprisonment. The applicant has already undergone imprisonment of seven years, eleven months and 20 days. There is no dispute that the applicant's claim for furlough has matured on 14.11.1996. It appears that he applied to the Inspector General of Prisons for his release on furlough, but, however, the Government, under the belief that it had no powers to consider the case of the applicant for furlough in view of the pendency of the appeal instituted by him in this Court, did not consider his application. But I am told across the Bar by the learned A.P.P. Shri Pujari that a learned single Judge of this Court has already held that there can be no objection for the Government to grant furlough even when appeal against the conviction is pending in this Court.

In this view of the matter, the Inspector General of Prisons is directed to consider the application of the applicant for furlough within seven days from today in accordance with law on its own merits. Rule is made absolute as indicated.

(apj)